REMARKS

Objection to the Specification and Drawings

A replacement paragraph has been provided to address the objection to the specification. Also, formal drawings are provided with this response (as "Replacement Sheets") to address the objection to the drawings.

Rejections Under 35 U.S.C. §102(b)

Borsanyi

Claims 1, 2, 4, and 5 have been rejected under 35 U.S.C. §102(b) as being anticipated by Borsanyi. To address any "product-by-process" interpretation, the claims have been amended to recite methods, rather than products.

Also, Claim 1 now recites "molding a tube from raw materials," to distinguish Borsanyi's molding, which starts with a preformed tube. *See*, Borsanyi at column 4, lines 51-54 ("FIGS. 2-4 illustrate successive steps in the method of making conduit 30. The starting material is thermoplastic tubing T having generally uniform diameter and wall thickness throughout its length.") Indeed, Borsanyi's Figures 2-4 and related description are very specific in disclosing apparatus for making Borsanyi's tube, and that apparatus uses a preformed tube as a starting point. Thus, Borsanyi teaches away from molding tube from raw materials.

With respect to Claim 2, Borsanyi shows a tube having ends with the same diameter, and *intermediate* sections of larger diameters. *See*, Borsanyi at column 4, lines 44-50 (and Figures 1 and 8) ("The inlet and outlet portions are of generally the same internal and external diameters, but the intermediate portion 33 has an enlarged or bulbous section 34 with a flow passage of

greater cross sectional area, and a wall of substantially lesser thickness and reduced resistance to deformation, than found in the inlet or outlet portions.") In contrast, Claim 2 recites molding the tube to have a second section "at an end of the tube" with a greater inside diameter than a first section. Borsanyi does not disclose a larger diameter section at the end of a tube. Claim 4 depends from Claim 2, and further distinguishes Borsanyi.

Claim 5 recites injection molding, which further distinguishes Borsanyi's molding of a preformed tube.

For these reasons, it is respectfully submitted that Borsanyi does not anticipate, nor render obvious (whether considered alone or in combination with other references), Claims 1, 2, 4, and 5.

Guta and Huber '579

Claims 1 to 5 have been rejected under 35 U.S.C. §102(b) as being anticipated by Guta and Huber. To address any "product-by-process" interpretation, the claims have been amended to recite methods, rather than products.

Neither Guta nor Huber discloses molding a tube at all, and thus do not meet the molding limitation as recited in Claim 1. Also, with respect to Claim 2, neither reference discloses molding the tube to have different diameters, and in particular neither discloses molding a tube to have an end with a greater diameter than another section of the tube. Claims 3 and 4 depend from Claim 2, and further distinguish these references.

Claim 5 recites injection molding, which further distinguishes Guta and Huber.

For these reasons, it is respectfully submitted that neither Guta nor Huber anticipates, or renders obvious (whether considered alone or in combination with other references), Claims 1 to 5.

Rejections Under 35 U.S.C. §103

Claims 6-12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over either Borsanyi or Huber in view of Magnus '252. To address any "product-by-process" interpretation, the claims have been amended to recite methods, rather than systems.

As discussed above, Huber does not disclose molding of tubes at all, and Borsanyi does not disclose molding tubes from raw materials. Indeed, Borsanyi teaches away from molding from raw materials, in that it discloses very specific apparatus for forming a tube that requires a preformed tube as starting material. Magnus also does not disclose molding tubes. In contrast, Claim 6 recites "molding a tube from raw materials." Thus, because this molding limitation is absent from all of the references, and no suggestion or motivation is provided to supply the absent limitation, even the combination of references does not meet all the limitations of the claim. Therefore, the combination does not render Claim 6 obvious.

Claim 7 recites molding the tube to have a second section "at an end of the tube" with a greater inside diameter than a first section. As provided in the specification at page 7, lines 3-15, a greater diameter section assists in preventing inlet flow restrictions in pumping systems when placed at the upstream end. In contrast, as discussed above, Huber is silent about molding a tube to have different diameters, and Borsanyi actually teaches away from providing a larger diameter section at the end of a tube (it specifically teaches larger diameters at *intermediate* locations on the tube). Magnus also does not disclose molding tubes, and, of course, therefore, provides no motivation or suggestion to mold tubes to have varying diameters. Thus, Claim 7 is allowable not only because it depends from allowable Claim 6, but further because none of the references,

alone or in combination, suggests or provides motivation for molding a greater diameter section at the end of a tube.

Claims 8 and 9 are also allowable, because they depend from Claim 7, and because they further distinguish any combination of the cited references. In particular, Claim 8 recites coupling a fitment to the second section. None of the references suggest or motivate coupling a fitment to a section of tubing molded with a larger diameter.

Claims 10, 11, and 12 all depend from Claim 6, and therefore, it is respectfully submitted, are allowable. Furthermore, Claim 10 recites injection molding, which is not suggested in any of the references, and thus further distinguishes the cited combination of references.

New Claims

New Claims 22-24 are also provided. Independent Claim 22 recites a method of pumping a material that includes "molding a tube to have a first section having a first inside diameter and a second section having a second inside diameter greater than the first inside diameter, wherein the second section is at an end of the tube". It is respectfully submitted that Claim 22 is allowable, as it recites molding a tube to have a greater diameter section at an end of the tube, in combination with its other recited limitations. Claims 23 and 24 depend from Claim 22, and recite, respectively, coupling a fitment to the second section and injection molding.

If there are any questions concerning this response, please call Dennis Braswell at the telephone number set forth below.

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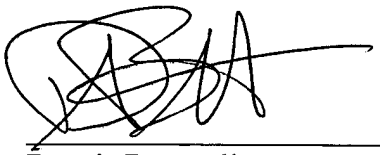

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